

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 21-1071

Marcus Mitchell

Plaintiff - Appellant

v.

Morton County Sheriff Kyle Kirchmeier; Morton County; City of Bismarck; Morton County Sheriff's Deputy George Piehl; Bismarck Police Officer Tyler Welk; North Dakota Highway Patrol Sergeant Benjamin Kennelly; John Does 1-2

Defendants - Appellees

Institute for Justice; National Congress of American Indians; Erwin Chemerinsky; Tabatha Abu El-Haj; Genevieve Lakier; Lyrissa Lidsky, Dean; Kermit Roosevelt; Amanda Shanor; Steven H. Shiffrin; Geoffrey Stone; Nadine Strossen; Laura Weinrib; Howard University School of Law Civil Rights Clinic; Cato Institute

Amici on Behalf of Appellant(s)

Appeal from U.S. District Court for the District of North Dakota - Western
(1:19-cv-00149-DMT)

JUDGMENT

Before SMITH, Chief Judge, GRUENDER, and KOBES, Circuit Judges.

This appeal from the United States District Court was submitted on the record of the district court, briefs of the parties and was argued by counsel.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in part, reversed in part, and remanded to the district court for proceedings consistent with the opinion of this court.

March 14, 2022

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans